

Remarks

Claims 1-19 were pending, and claims 1, 18, and 19 have been amended, while claims 5, 8, 12, 16, 17, and 20 have been cancelled. Applicants assert that the claims are in condition for allowance as set forth more fully below.

Objections to the Drawings

The Examiner has objected to the drawings for failing to show an extension pole, as recited in claim 20. Claim 20 has been cancelled. Therefore, it is respectfully requested that the objection to the drawings be withdrawn.

112 Rejections

Claims 18 and 19 have been rejected under 35 USC 112 as being indefinite due to a combination/sub-combination issue relative to language about a barrel. The Office Action states that the “support device” is said to be “connected to the barrel” in claim 19, but this is not a correct reading of claim 19. Claim 19 recites that a muzzle extender is connected to the barrel, not the support device. Claims 18 and 19 have been amended to more clearly indicate that the piston, barrel, and muzzle extender are sub-elements of the powder driven tool that are separate from the support device itself but that cooperate with the support device. The overall assembly includes the powder driven tool element and the support device element in cooperation with the powder driven tool. Accordingly, Applicants assert that there is no combination/sub-combination issue and request that the 112 rejections be withdrawn.

103 Rejections

Claims 1-17

Claims 1-6, 8, and 10-17 are rejected under 35 USC 103(a) as being unpatentable over Sprague (US 2004/0064932). Applicants respectfully traverse these rejections.

Claim 1 has now been amended to include the recitations of previously pending claims 5, 8, and 12. Sprague fails to disclose these elements. As one example, claim 1 recites that there is a stop member distally of the threads on the shaft. There is no discussion whatsoever of these recitations in the rejection based on Sprague, and

Applicants assert that Sprague fails to disclose such a stop member. There is no stop at the base of the threads in Sprague.

As another example, claim 1 recites that there are a plurality of rigid support members. There is no discussion whatsoever of these recitations in the rejection based on Sprague, and Applicants assert that Sprague fails to disclose a plurality of rigid support members. Sprague only discloses the one foot hold that the Office Action has equated to a support member and provides no reasoning as to why one step intended for one foot could be modified to provide multiple foot holds.

As yet another example, claim 1 recites that the pusher is tapered. There is no specific citation to where Sprague discloses a tapered pusher. Instead, the portion 5 has no taper but is instead a cylindrical object where the opposing sides remain the same distance apart throughout its length such that there is no taper whatsoever.

Furthermore, claims 7 and 9 have been rejected based on Sprague in view of Malmgren. The Office Action states that Malmgren discloses a ring portion. However, as previously argued, Malmgren discloses a cork-screw portion 6 that does NOT close on itself as a ring does, and something attached to portion 6 could become free by sliding to the end opposite the threads 9. In fact, Malmgren discloses portion 6 only as being a safety foothold rather than something to secure an object. The Office Action is impermissibly construing “ring” to mean “corkscrew” rather than something that closes on itself, and therefore these rejections based on Malmgren fail.

Claims 18-19

Claim 18 recites in part a powder driven tool including a powder cartridge, barrel, piston, and a trigger for actuating the piston within the barrel and a support device including a pusher on a first end where the pusher is located at least partially within the barrel and is adapted to receive force applied from the piston for driving a second end of the support device into a pole. The Examiner has combined a new reference, Chun (US Pat 5,135,150) with Sprague and Malmgren to reject claims 18-20. However, Chun specifically states that the powder driven tool lacks a trigger and piston rod, col. 2, lines 3-7. Thus, this combination of references fails to disclose all of the elements of claims 18

and 19 since the powder driven tool of Chun does not include the trigger and piston as recited in these claims. Therefore, this final rejection must be withdrawn as well.

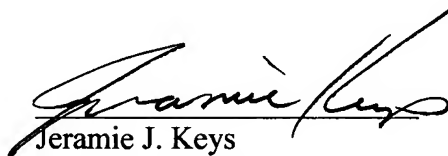
Conclusion

Applicants assert that the application is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that the finality of the rejections be withdrawn or an indication of allowable subject matter be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due beyond the fee for continued examination and the fee for a one month extension. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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